

U.S. Appl. No. 09/710,129
Reply to Office Action dated May 6, 2005

PATENT
450100-02839

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance. The present response is being made to facilitate prosecution of the application.

Claims 1-37 are pending in this application.

Claims 1, 3-14, 16-26, and 28-37 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,802,467 to Salazar, et al. in view of U.S. Patent No. 6,061,435 to Grundvig, et al. and further in view of U.S. Patent No. 6,532,592 to Shintani, et al.

Claims 2, 15, and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,802,467 to Salazar, et al. in view of U.S. Patent No. 6,061,435 to Grundvig, et al. and U.S. Patent No. 6,532,592 to Shintani, et al. and further in view of U.S. Patent No. 6,470,189 to Hill, et al.

U.S. Patent No. 6,532,592 to Shintani, et al. (hereinafter, merely "Shintani") is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. 102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

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Shintani and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Shintani is disqualified as prior art in a rejection under 35 U.S.C. 103(a); and thus all of the outstanding rejections based upon Shintani in the above-noted Office Action are overcome.

CONCLUSION

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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